



## Ohio Administrative Code

### Rule 4757-6-01 Reports prepared for court review including custody, visitation and guardianship concerns.

Effective: [November 14, 2022](#)

---

(A) The role of the counselor, social worker, or marriage and family therapist is that of a professional expert who strives to maintain an objective, impartial stance. A counselor, social worker or marriage and family therapist does not act as a judge who makes the ultimate decision applying the law to all relevant evidence. Neither does a counselor, social worker or marriage and family therapist act as an advocating attorney who strives to present his or her client's best possible case. A counselor, social worker, or marriage and family therapist in a balanced, impartial manner informs and advises the court and the respective parties of the relevant mental health factors pertaining to the issue. A counselor, social worker, or marriage and family therapist should be impartial regardless of whether he or she is retained by the court or by a party to the proceedings. If either the counselor, social worker, marriage and family therapist, or the client cannot accept this neutral role, the counselor, social worker, or marriage and family therapist shall withdraw from the case. If not permitted to withdraw, the counselor, social worker, or marriage and family therapist acknowledges past roles and other factors that could affect impartiality.

(B) A counselor, social worker, or marriage and family therapist contemplating performing court reports, including child custody reports, is aware that special competencies and knowledge are required for the undertaking of such evaluations. Competence in performing psychological assessments of children, adults and families is necessary but not sufficient. Education, training, experience and/or supervision in the areas to be evaluated are essential in preparing a report.

(C) A counselor, social worker, or marriage and family therapist uses current knowledge of scientific and professional developments consistent with accepted clinical and scientific standards in selecting data collection methods and procedures.

(D) In the course of preparing a report, allegations of other issues may occur that are not necessarily within the scope of a particular evaluator's expertise. If this is so, the counselor, social worker, or marriage and family therapist seeks additional consultation, supervision, and/or specialized knowledge or training to address these issues.



(E) A counselor, social worker, or marriage and family therapist engaging in preparing reports that will likely be used in court is aware of how biases regarding age, sex, gender identity and expression, sexual orientation, race, ethnicity, national origin, immigration status, disability, religion, language, culture, veteran status, marital status, political belief, housing status, and socioeconomic status may interfere with an objective evaluation and recommendations. A counselor, social worker, or marriage and family therapist recognizes and strives to overcome any such biases or withdraws from the evaluation.

(F) A counselor, social worker, or marriage and family therapist shall not conduct a court evaluation in a case in which that counselor, social worker, or marriage and family therapist served in a therapeutic role for the client or his or her immediate family or has had other involvement that may compromise the counselor, social worker, or marriage and family therapist's objectivity. This should not preclude a counselor, social worker, or marriage and family therapist from testifying in the case as a fact witness concerning treatment. In addition, during the course of a court evaluation, a counselor, social worker, or marriage and family therapist shall not accept any of the involved participants in the evaluation as a therapy client. Therapeutic contact with the participants following the court evaluation is undertaken with caution. A counselor, social worker, or marriage and family therapist asked to testify in court is aware of the limitations and possible biases inherent in such a role and the possible impact on the ongoing therapeutic relationship. Although the court may require the counselor, social worker, or marriage and family therapist to testify as a fact witness regarding factual information he or she became aware of in a professional relationship with a client, that counselor, social worker, or marriage and family therapist shall decline the role of expert witness who gives a professional opinion regarding the custody, visitation and/or guardianship issues.

(1) Licensees with a client involved in a custody, visitation and/or guardianship case, if asked by a client and/or their lawyer or the guardian ad litem to make a recommendation as to custody, visitation and/or guardianship, shall cite their role as the primary therapist for their client. This section does not apply to a licensee hired to make a custody, visitation and/or guardianship recommendation for the court. Licensees shall inform the requestor that they have not performed a custody, visitation and/or guardianship evaluation and it would be unethical for them to make any recommendation outside of their role as a treating therapist.



(2) Licensees asked by a judge to make a recommendation in a custody, visitation and/or guardianship hearing, not hired by the court to do so, shall cite their role as a client's therapist and note that any testimony would be an ethics violation of their license and they can only testify to facts that they know. Any recommendation would be based on limited facts and not within their role as this client's therapist. However, if ordered by the court to make a recommendation after stating these limitations, the licensee shall follow the court's order in order to avoid being found in contempt of court.

(G) The scope of the court evaluation is determined by the nature of the question or issue raised by the referring person or court, or is inherent in the situation. A counselor, social worker, or marriage and family therapist may be asked to critique the assumptions and methodology of the assessment of another mental health professional. A counselor, social worker, or marriage and family therapist also might serve as an expert witness providing expertise to the court without relating it specifically to the parties involved in a case.

(H) A counselor, social worker, or marriage and family therapist will adhere to the requirements regarding informed consent as outlined in paragraph (B)(2) of rule 4757-5-02 of the Administrative Code.

(I) A counselor, social worker, or marriage and family therapist will adhere to the requirements regarding confidentiality as outlined in paragraph (D) of rule 4757-5-02 of the Administrative Code.

(J) A counselor, social worker, or marriage and family therapist strives to use the most appropriate methods available for addressing the questions raised in a specific evaluation and generally uses multiple methods of data gathering, including but not limited to clinical interviews, observation, and/or testing and assessment instruments. Important facts and opinions are documented from at least two sources whenever those methods' reliability is questionable. A counselor, social worker, or marriage and family therapist may also interview extended family, friends, and other individuals on occasions when the information is likely to be useful. If information is gathered from third parties that is significant and may be used as a basis for conclusions, licensees corroborate it by at least one other source wherever possible and appropriate and document this in the report.

(K) A counselor, social worker, or marriage and family therapist refrains from drawing conclusions



not adequately supported by data. The counselor, social worker, or marriage and family therapist interprets any data from interviews or tests, as well as any questions of data reliability and validity cautiously and conservatively seeking convergent validity. A counselor, social worker, or marriage and family therapist strives to acknowledge to the court any limitations in methods or data used.

(L) A counselor, social worker, or marriage and family therapist does not give a professional opinion regarding the mental health functioning of any individual who has not been personally evaluated other than in addressing theoretical issues of hypothetical questions, so long as the limited basis of the information is noted.

(M) If a counselor, social worker, or marriage and family therapist chooses to make recommendations, these recommendations should be derived from sound data and shall be based on the best interests of the client involved. Recommendations are based on articulated assumptions, data, interpretations, and inferences based upon established professional and scientific standards. A counselor, social worker, or marriage and family therapist guards against relying on their own biases or unsupported beliefs in rendering opinions in particular cases.